



RESOLUTION

AMENDING THE RULES OF THE COUNCIL OF THE CITY AND COUNTY OF HONOLULU RELATING TO THE PROVISION OF REMOTE ORAL TESTIMONY.

WHEREAS, on January 30, 2020, the World Health Organization declared the outbreak of the COVID-19 virus a public health emergency of international concern; and

WHEREAS, the world has changed significantly since that date, as COVID-19 has continued its rapid spread across the globe, infecting an ever-increasing number of people. As of May 12, 2020, the virus had sickened more than 4,200,000 people in 187 countries, and more than 291,000 people have died after being infected with it; and

WHEREAS, the United States now has the most COVID-19 cases in the world—more than 1,300,000—and more than 82,000 Americans have died after being infected with it; and

WHEREAS, national and local governments around the world have responded to the pandemic by closing businesses, prohibiting public gatherings, and issuing stay-at-home orders; and

WHEREAS, the City and County of Honolulu has been under some form of stay-at-home order since March 22, 2020, and both State and City orders restricting travel from home remain in effect; and

WHEREAS, the restrictions on public movement, the fear of the COVID-19 virus, and Governor David Ige's partial suspension of the State's Sunshine Law on March 16, 2020, have all made it difficult for the City's residents to participate in the processes of their government, including meetings of the City Council ("Council") and its committees; and

WHEREAS, on May 5, 2020, Governor Ige issued a Seventh Supplementary Proclamation which, among other things, revised his suspension of the Sunshine Law. The revised order provided that State or county boards with the staffing, technological, and other resources to hold a secure video-teleconference must in good faith provide the public with the opportunity to observe the meeting as it happens and an opportunity to provide oral testimony; and

WHEREAS, the Council is fully committed to providing transparency and public participation in its processes; and



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WHEREAS, even before the Governor's Seventh Supplementary Proclamation, the Council was exploring ways of allowing the public to testify remotely; and

WHEREAS, by its agenda posted on May 7, 2020, the Council's Committee on Economic Assistance and Revitalization announced that, in addition to allowing in-person oral testimony, it would allow remote oral testimony through the Webex platform for its meeting on May 13, 2020; and

WHEREAS, the Council feels that the enhancement to public participation created by the ability to testify remotely should continue even after the eventual lifting of emergency orders relating to the COVID-19 pandemic; and

WHEREAS, Section 3-107.2 of the Revised Charter of the City and County of Honolulu 1973 (2017 Edition) provides that the City Council ("Council") shall adopt rules governing its officers and employees, the organization of committees, and the transaction of business; and

WHEREAS, pursuant to Charter Section 3-107.2, the Council has adopted the Rules of the Council of the City and County of Honolulu (January 2019), as amended ("Council Rules"); and

WHEREAS, the Council desires to amend the Council Rules to expressly allow the public to provide remote oral testimony at meetings of the Council and its committees; now, therefore,

BE IT RESOLVED by the Council of the City and County of Honolulu that Council Rule 1 is amended to read as follows:

"RULE NO. 1

MEETINGS

- A. The council shall hold regular meetings and meet at least once a month in the council chamber at city hall or at a place designated by the presiding officer upon proper notice to the public. The council may also hold other regular meetings and special meetings.
- B. Special meetings may be called at any time by the chair, a majority of the councilmembers, or the mayor pursuant to Section 5-103(k) of the Revised Charter of the City and County of Honolulu 1973 (2017 Edition) ("Charter"); subject, however, to the six-day public notice requirement under Section 92-7 of



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the Hawaii Revised Statutes ("HRS"), and the exceptions thereto for emergency meetings under HRS Section 92-8.

- C. The chair shall be authorized to schedule or reschedule the time, date, and/or subject matter of public hearings and to publish notice thereof in conformance with Charter Section 13-106 or other applicable laws. The chair shall promptly notify all councilmembers and the clerk by written memorandum as to the scheduling or rescheduling of public hearings.
- D. Any meeting of the [Council] council or any of its committees may, by designation of, or with the approval of, the chair, be held by interactive conference technology pursuant to HRS Section 92-3.5.
- E. At any meeting of the council or any of its committees, interested persons must have the opportunity to provide oral testimony on any agenda item remotely through such technology, in such manner, and subject to such conditions and restrictions, as may be established from time to time by the council chair and described in the agenda for the meeting."; and

BE IT FURTHER RESOLVED that Council Rule 21 ("Order of Business") is amended by amending Subsections B and C to read as follows:

- "B. Persons wishing to present in-person oral testimony relating to items on the order of business at a council meeting may register to speak with the clerk no later than the time posted for the start of the meeting.

Any speaker who has not registered to present in-person oral testimony prior to the start of the meeting may testify on items after those persons who have timely registered to speak in person on such items have testified, or may submit written testimony to the council by filing the same with the clerk at any council meeting.

- C. Public speakers who testify in person are requested, when possible, to provide fifteen (15) copies of their written testimony."; and



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BE IT FURTHER RESOLVED that Council Rule 32 be amended to read as follows:

"RULE NO. 32

PRESENTATION OF ORAL TESTIMONY AT COUNCIL AND COMMITTEE MEETINGS

Pursuant to state law, any private citizen may speak at any council or committee meeting, subject only to the following:

- A. Council meeting. Persons wishing to present oral testimony in person at a council meeting may register to speak as provided in Rule 21, indicating the agenda item or items upon which they desire to present oral testimony. Persons wishing to present oral testimony remotely shall comply with the requirements established by the council chair pursuant to Rule 1.E and described in the agenda for the meeting.

Oral testimony by members of the public on items:

- (1) Listed on a council agenda for public hearing or under "New Business"; or
- (2) Added to the council agenda pursuant to HRS Chapter 92 after the agenda has been posted in accordance with that chapter, and which items may be adopted or passed on final reading at the council meeting for which the agenda was posted,

shall be limited to three minutes. Oral testimony by members of the public on all other items listed on the council agenda shall be limited to one minute. By a vote of the majority of the members present, time for the public to speak may be extended.

- B. Committee meeting. Persons wishing to present oral testimony in person at a committee meeting may register with the committee clerk no later than the time posted on the agenda for the meeting. They shall indicate the item or items upon which they desire to present oral testimony. Those persons who have registered to speak on an item shall be called to testify before persons who have not registered, but wish to provide oral testimony on such item.



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Persons wishing to present oral testimony remotely shall comply with the requirements established by the council chair pursuant to Rule 1.E and described in the agenda for the meeting.

The time allotted to members of the public to present oral testimony on an agenda item shall be set by the committee chair. The time allotted shall be specified on the applicable posted committee meeting agenda."; and

BE IT FURTHER RESOLVED that in the foregoing RESOLVED clauses, rule language to be deleted is bracketed and stricken and new rule language is underscored; and

BE IT FURTHER RESOLVED that this resolution takes effect ____ days after its adoption; and

BE IT FINALLY RESOLVED that copies of this resolution be transmitted to the Mayor, the Managing Director, and the Corporation Counsel.

INTRODUCED BY:

Ngim Pine

[Signature]

DATE OF INTRODUCTION:

MAY 14 2020

Honolulu, Hawaii

Councilmembers

CITY COUNCIL
CITY AND COUNTY OF HONOLULU
HONOLULU, HAWAII
CERTIFICATE

RESOLUTION 20-123

Introduced: 05/14/20 By: KYMBERLY PINE Committee: COUNCIL
IKAIKA ANDERSON

Title: RESOLUTION AMENDING THE RULES OF THE COUNCIL OF THE CITY AND COUNTY OF HONOLULU RELATING
TO THE PROVISION OF REMOTE ORAL TESTIMONY.

Voting Legend: * = Aye w/Reservations

05/20/20 COUNCIL RESOLUTION 20-123 WAS ADOPTED.
9 AYES: ANDERSON, ELEFANTE, FUKUNAGA, KOBAYASHI, MANAHAN, MENOR,
PINE, TSUNEYOSHI, WATERS.

I hereby certify that the above is a true record of action by the Council of the City and County of Honolulu on this RESOLUTION.



GLEN I. TAKAHASHI, CITY CLERK



IKAIKA ANDERSON, CHAIR AND PRESIDING OFFICER